

Appendix A

LOCAL BOUNDARY COMMISSION

The Local Boundary Commission (LBC or Commission) must review City incorporation petitions. The LBC is a State board with jurisdiction throughout Alaska. In addition to petitions for city annexation, the LBC acts on petitions for the following:

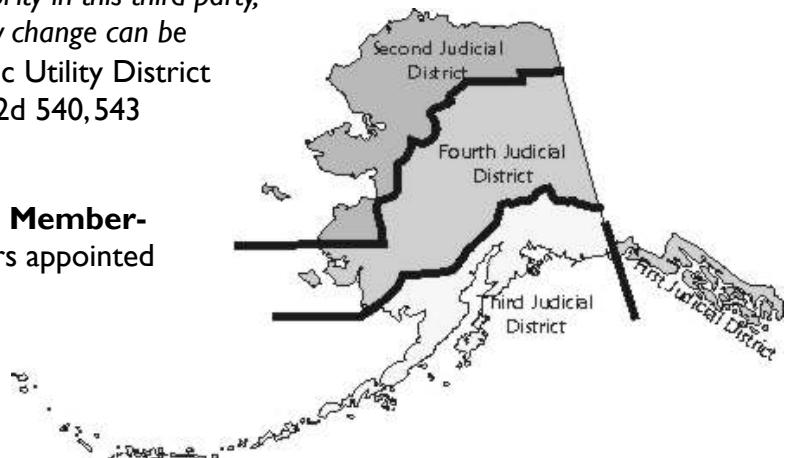
- ◆ annexation to boroughs;
- ◆ incorporation of cities and boroughs;
- ◆ detachment from cities and boroughs;
- ◆ merger of cities and boroughs;
- ◆ consolidation of cities and boroughs;
- ◆ dissolution of cities and boroughs; and
- ◆ reclassification of cities.

Origin and Purpose. The LBC has its origins in Alaska's constitution. Of the 130 or so State boards and commissions, only the LBC and four others have roots in Alaska's constitution. More than three decades ago, the Alaska Supreme Court addressed the purpose and role of the Commission as follows:

Article X [of the Alaska Constitution] was drafted and submitted by the Committee on Local Government, which held a series of 31 meetings between November 15 and December 19, 1955. An examination of the relevant minutes of those meetings shows clearly the concept that was in mind when the local boundary commission section was being considered: that local political decisions do not usually create proper boundaries and that boundaries should be established at the state level. The advantage of the method proposed, in the words of the committee:

...lies in placing the process at a level where area-wide or state-wide needs can be taken into account. By placing authority in this third-party, arguments for and against boundary change can be analyzed objectively. Fairview Public Utility District No. 1 v. City of Anchorage, 368 P.2d 540, 543 (Alaska 1962)

Composition, Qualifications and Membership. The LBC consists of five members appointed by the Governor for overlapping five-year terms. Members are appointed, "... on the basis of interest in public affairs, good judgment, knowledge and ability in



the field . . . and with a view to providing diversity of interest and points of view in the membership.”¹ Members serve at the pleasure of the Governor. The Chairperson is appointed from the state at-large and one member is appointed from each of Alaska’s four judicial districts. Members serve without compensation.

AS 39.05.060(b)

Current members of the Commission are listed below:



Kevin Waring, a resident of Anchorage, has served on the Commission since July 15, 1996. He was appointed Chairperson of the LBC on July 10, 1997. He was reappointed to a new term as Chairperson effective January 31, 1998. Commissioner Waring was one of the original division directors of the former Alaska Department of Community and Regional Affairs (1973-1978). Between 1980 and the spring of 1998, he operated a planning/economics consulting firm in Anchorage. From the spring of 1998 until early 2000, Commissioner Waring was employed as manager of physical planning for the Municipality of Anchorage’s Community Planning and Development Department. He has since returned to private consulting. Mr. Waring has been active on numerous Anchorage School District policy and planning committees. His current term on the LBC expires January 31, 2003.



Kathleen S. Wasserman, a resident of Pelican, is the Vice-Chairperson of the Commission. She serves from Alaska’s First Judicial District. She was first appointed to the Commission for an unexpired term on September 14, 1995. She was reappointed to a new term beginning January 31, 1996. Commissioner Wasserman also serves as the current Mayor of the City of Pelican. In the past, Commissioner Wasserman has served as a member of the Assembly of the City and Borough of Sitka and as Mayor of the City of Kasaan. Additionally, she has served as president of the Southeast Island Regional Educational Attendance Area School Board. Commissioner Wasserman is self-employed. Her present term on the Commission expires January 31, 2001.



Nancy E. Galstad serves from the Second Judicial District. She was appointed to the LBC on September 14, 1995 and reappointed to a new term effective January 31, 1999. Formerly Special Assistant to the Commissioner of the Alaska Department of Labor, Ms. Galstad now serves as the Manager of the City of Kotzebue. She is currently President of the Alaska Municipal Managers’ Association. Ms. Galstad was a member of the Alaska Safety Advisory Council for eight years and currently serves as Chair of the Alaska Municipal League Joint Insurance Association. She also served as a member of the State’s Task Force on Education Funding in 1995. Ms. Galstad’s current term on the LBC expires January 31, 2004.



Allan Tesche serves from the Third Judicial District and is a resident of Anchorage. He was appointed to the LBC on July 10, 1997. In April 1999, Mr. Tesche was elected to the Assembly of the Municipality of Anchorage. In the past, Mr. Tesche has served as Deputy and Assistant Municipal Attorney in Anchorage and Borough Attorney for the Matanuska-Susitna Borough. He is a founder and past president of the Alaska Municipal Attorneys’ Association and served as a member of the

attorneys' committee which assisted the Alaska legislature in the 1985 revisions to the Municipal Code (AS Title 29). Mr. Tesche is a shareholder in the Anchorage law firm of Russell, Tesche, Wagg, Cooper & Gabbert, PC. Mr. Tesche's term on the Commission expires January 31, 2002.



Ardith Lynch serves from the Fourth Judicial District and lives in the greater Fairbanks area. She was appointed to the LBC on December 21, 1999. Ms. Lynch is the Borough Attorney for the Fairbanks North Star Borough. She has also worked for the State of Alaska as an Assistant Attorney General and as Deputy Director of the Child Support Enforcement Division. Ms. Lynch has served on the Board of Governors of the Alaska Bar Association and is a past president of the

Alaska Municipal Attorneys' Association. Her term on the Commission expires December 21, 2004.

Communications with the LBC

The LBC is a quasi-judicial board. To preserve the rights of Petitioners, respondents and others to due process and equal protection, 3 AAC 110.500 prohibits private (ex parte) contact with the LBC on all matters pending before it. The law prohibits communication between the LBC and any party, other than its staff, except during a public meeting called to address the proposal. This limitation takes effect upon the filing of a petition and remains effective through the last date available for the Commission to reconsider a decision under 3 AAC 110.580. Written communications to the Commission must be submitted through its staff.

Staff to the Commission

DCED serves as staff to the LBC pursuant to AS 44.47.050(a)(2). DCED's mission in that regard is to conduct thorough, credible and objective analysis of every proposal to come before the LBC. Further, DCED is committed to developing recommendations that are reflective of the applicable laws and that represent fundamentally sound public policy.

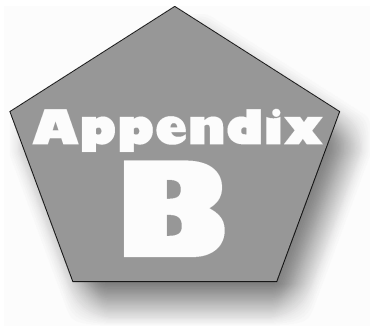
DCED's duties with regard to the LBC are carried out principally by a small component in DCED's Community and Business Development Division (CBD). Local Boundary Commission staff may be contacted at the following address, telephone number, facsimile number, and e-mail address.

Local Boundary Commission Staff
550 West 7th Avenue, Suite 1770
Anchorage, Alaska 99501-3510
telephone: (907) 269-4557
facsimile: (907) 269-4539
e-mail: Gene_Kane@DCED.STATE.AK.US

DCED's Duty to Investigate. DCED is required by AS 29.05.080 and 3 AAC 110.530 to investigate each city incorporation proposal and to make recommendations regarding the petition to the LBC. The investigation and analysis is performed largely by the LBC staff component in

DCED. However, others in DCED and elsewhere often contribute significantly to the analysis and evaluation. The Director of Community and Business Development Division, DCED's Deputy Commissioner and DCED's Commissioner provide policy direction concerning DCED's recommendations to the LBC.

Recommendations Not Binding. Recommendations provided by DCED to the LBC are not binding on the LBC. The LBC is independent concerning policy matters and is free to differ with the recommendation presented in this report. The LBC does not rely exclusively on DCED's report, but considers the entire record when it renders a decision.



EXHIBITS 2 AND 3 OF THE MATANUSKA-SUSITNA BOROUGH'S JULY 21, 2000 RESPONSIVE BRIEFS

The exhibits are shown on the following two pages.

Budgets of Communities Similar to the Proposed City of Talkeetna Excluding Public Safety Expenditures									
	King Cove	Kake	Skagway	Nenana	Yakutat	Houston	Talkeetna Year 1 Proposed Home Rule City	Year 2	Year 3
Population (1999)	703	783	814	435	810	939	738		
Municipal Facilities & Utilities	Water/Sewer, Electric Refuse Collection, Landfill, Police, Volunteer Fire/EMS, Harbor/Port	Water/Sewer, Refuse Collection, Landfill, Police, Volunteer Fire, Health Clinic, Airport, Cable T.V., Library, Liquor Store, Schools, Bingo, Planning	Water/Sewer, Health Clinic, Refuse Collection, Incinerator, Police, Volunteer Fire, Harbor/Dock, Library, Museum, Schools, Zoning	Water/Sewer, Landfill, Health Clinic, Dock, Airport, Police, Volunteer Fire/EMS, Library, Roads, Schools, Planning	Water/Sewer, Electric, Landfill, Health Clinic, Police, Volunteer Fire/EMS/Ambulance, Schools, Harbor/Dock, Airport, Planning/Zoning	Volunteer Fire, Roads	Road Maintenance, Water/Flood Control, Cemetery, Parks & Recreation, Library, Solid Waste Disposal, Water/Sewer, (Planning? Animal Control?)	Road Maintenance, Water/Flood Control, Cemetery, Parks & Recreation, Library, Solid Waste Disposal, Water/Sewer, (Planning? Animal Control?)	Road Maintenance, Water/Flood Control, Cemetery, Parks & Recreation, Library, Solid Waste Disposal, Water/Sewer, (Planning? Animal Control?)
Tax Types	3% Sales Tax	5% Sales Tax	Property Tax 4% Sales Tax, 8% Bed Tax	Property Tax, 3% Sales Tax	Property Tax, 4% Sales Tax, 1% Raw Fish Tax, 4% Bed & Car Rental Tax	Property Tax	Property Tax 4% Seasonal OR 2% Annual Sales Tax	Property Tax 4% Seasonal OR 2% Annual Sales Tax	Property Tax 4% Seasonal OR 2% Annual Sales Tax
Adjusted Revenue (1998)	1,444,364	1,722,260	5,015,301	1,238,767	4,047,306	265,907	431,000	481,000	491,000
Adjusted Expenditures (1998)	1,380,167	1,691,161	2,014,985	707,042	2,472,512	207,091	310,450	494,950	498,450
Deleted Revenue (to address revenue not included in proposed City of Talkeetna)	Fish Tax Share Electric Utility	Fish Tax Share S/Fed Education Funds Cable T.V.		Fish Tax Share S/Fed Education Funds	Fish Tax Share S/Fed Education Funds Electric Utility				
Deleted Expenditures (to address expenditures not included in proposed City of Talkeetna)	Harbor/Dock Public Safety	Harbor/Dock Local Education Public Safety	Harbor/Dock Local Education Public Safety	Harbor/Dock Local Education Public Safety	Harbor/Dock Local Education Public Safety	Public Safety (Fire)			
Costs Needing to be Addressed by Talkeetna Petitioners									
Solid Waste Disposal	100,720	114,877	23,597	0	0	0	0	60,000	60,000
Animal Control							?	?	
Planning & Zoning	21,485	0	0	0	78,589	0	?	?	
Library							?	40,000	40,000

Sources: Alaska Department of Community and Economic Development, Detailed Community Profiles
Alaska Taxable, 1999; 1999 Municipal Officials Directory

2, 2001

Budgets of Communities Similar to the Proposed City of Talkeetna Including Public Safety Expenditures									
	King Cove	Kake	Slagway	Nenana	Yakutat	Houston	Talkeetna Year 1	Year 2	Year 3
	First Class City	First Class City	First Class City	Home Rule City	Home Rule Borough	Second Class City	Proposed Home Rule City		
Population (1999)	703	783	814	435	810	939	758		
Adjusted Revenue (1998)	1,444,364	1,722,260	5,015,301	1,238,767	4,047,306	265,907	431,000	481,000	491,000
Adjusted Expenditures (1998)	1,742,935	1,894,382	2,586,386	820,538	2,801,189	207,091	310,450	494,950	498,450
Municipal Facilities & Utilities	Water/Sewer, Electric Refuse Collection, Landfill, Health Clinic, Police, Volunteer Fire/EMS, Harbor/Port	Water/Sewer, Refuse Collection, Landfill, Police, Volunteer Fire, Health Clinic, Airport, Harbor/Dock, Cable T.V., Library, Liquor Store, Schools, Bingo, Planning	Water/Sewer, Health Clinic, Refuse Collection, Incinerator, Police, Volunteer Fire, Harbor/Dock, Library, Museum, Schools, Zoning	Water/Sewer, Landfill, Health Clinic, Dock, Airport, Police, Volunteer Fire/EMS, Library, Roads, Schools, Planning	Water/Sewer, Electric, Landfill, Health Clinic, Police, Volunteer Fire/EMS, Ambulance, Schools, Harbor/Dock, Airport, Planning/Zoning	Volunteer Fire, Roads	Road Maintenance, Water/Flood Control, Cemetery, Parks & Recreation, Library, Water/Sewer, Library (Planning? Animal Control?)	Road Maintenance, Water/Flood Control, Cemetery, Parks & Recreation, Library, Solid Waste Disposal, Water/Sewer, (Planning? Animal Control?)	Road Maintenance, Water/Flood Control, Cemetery, Parks & Recreation, Library, Solid Waste Disposal, Water/Sewer, (Planning? Animal Control?)
Tax Types	3% Sales Tax	5% Sales Tax	Property Tax 4% Sales Tax, 8% Bed Tax	Property Tax, 3% Sales Tax	Property Tax, 4% Sales Tax, 1% Raw Fish Tax, 4% Bed & Car Rental Tax	Property Tax	Property Tax 4% Seasonal OR 2% Annual Sales Tax	Property Tax 4% Seasonal OR 2% Annual Sales Tax	Property Tax 4% Seasonal OR 2% Annual Sales Tax
Deleted Revenue (1998) (to address revenue not included in proposed City of Talkeetna)	Fish Tax Share Electric Utility	Fish Tax Share S/Fed Education Funds Cable T.V.		Fish Tax Share S/Fed Education Funds	Fish Tax Share S/Fed Education Funds Electric Utility				
Deleted Expenditures (to address expenditures not included in proposed City of Talkeetna)	Harbor/Dock	Harbor/Dock Local Education	Harbor/Dock Local Education	Harbor/Dock Local Education	Harbor/Dock Local Education				
Costs Needing to be Addressed by Talkeetna Petitioners									
Solid Waste Disposal	100,720	114,877	23,597	0	0	0	?	60,000	60,000
Animal Control							?	?	
Planning & Zoning	21,485	0	0	0	78,589	0	?	?	
Library							?	40,000	40,000

Sources: Alaska Department of Community and Economic Development, Detailed Community Profiles
Alaska Taxable, 1999; 1999 Municipal Officials Directory

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PROVISIONS OF THE ALASKA STATUTES AND ALASKA ADMINISTRATIVE CODE ESTABLISHING STANDARDS FOR INCORPORATION OF CITIES

Alaska Statutes

Sec. 29.05.011. INCORPORATION OF A CITY.

(a) A community that meets the following standards may incorporate as a first class or home rule city:

(1) the community has 400 or more permanent residents;

(2) the boundaries of the proposed city include all areas necessary to provide municipal services on an efficient scale;

(3) the economy of the community includes the human and financial resources necessary to provide municipal services; in considering the economy of the community, the Local Boundary Commission shall consider property values, economic base, personal income, resource and commercial development, anticipated functions, and the expenses and income of the proposed city, including the ability of the community to generate local revenue;

(4) the population of the community is stable enough to support city government;

(5) there is a demonstrated need for city government.

(b) A community that meets all the standards under (a) of this section except (a)(1) may incorporate as a second class city.

History - (sec. 4 ch 74 SLA 1985; am sec. 6 ch 58 SLA 1994)

Amendment Notes -

The 1994 amendment, effective August 22, 1994, inserted "or home rule" in the introductory language in subsection (a).

Decisions -

Lack of a valid legislative body would not prevent the valid incorporation of a municipality. - This conclusion is bolstered by noting that Alaska's newly-enacted Municipal Government Code has completely separated the statutes relating to the incorporation procedure from those relating to the borough's legislative body. *Jefferson v. State*, 527 P.2d 37 (Alaska 1974), decided under former AS 29.18.010.

The incorporation of a municipality is a process both conceptually and functionally distinct from that of establishing a legislative body for that corporation. *Jefferson v. State*, 527 P.2d 37 (Alaska 1974), decided under former AS 29.18.010.

Stated in *United States v. Pleier*, 849 F. Supp. 1321 (D.Alaska 1994).

Sec. 29.05.021. LIMITATIONS ON INCORPORATION OF A CITY.

(a) A community in the unorganized borough may not incorporate as a city if the services to be provided by the proposed city can be provided by annexation to an existing city.

(b) A community within a borough may not incorporate as a city if the services to be provided by the proposed city can be provided on an areawide or nonareawide basis by the borough in which the proposed city is located, or by annexation to an existing city.

History - (sec. 4 ch 74 SLA 1985)

Decisions -

Subsection (b) is not in conflict with either AS 29.35.450(b) - or Alaska Const., art. X, sec. 5; rather AS 29.35.450(b), which follows the language of the Alaska Constitution, is a limitation on the creation of new service areas and in contrast, subsection (b) is a limitation on the incorporation of cities. *Keane v. Local Boundary Comm'n*, 893 P.2d 1239 (Alaska 1995).

Alaska Administrative Code

3 AAC 110.010 - NEED.

(a) In accordance with AS 29.05.011, a community must demonstrate a reasonable need for city government. In this regard, the commission will, in its discretion, consider relevant factors including

- (1) existing or reasonably anticipated social or economic problems;
- (2) existing or reasonably anticipated health, safety and general welfare problems;
- (3) existing or reasonably anticipated economic development; and
- (4) adequacy of existing services.

(b) In accordance with AS 29.05.021, a community may not incorporate as a city if essential city services can be provided more efficiently or more effectively by annexation to an existing city, or can be provided more efficiently or more effectively by an existing organized borough.

History - Eff. 7/31/92, Register 123

Authority -

AS 29.05.011
AS 44.47.567
AS 44.47.980

3 AAC 110.020 - RESOURCES.

(a) In accordance with AS 29.05.011, the economy of a proposed city must include the human and financial resources necessary to provide essential city services on an efficient, cost-effective level. In this regard, the commission will, in its discretion, consider relevant factors, including the

- (1) reasonably anticipated functions of the proposed city;
- (2) reasonably anticipated expenses of the proposed city;
- (3) reasonably anticipated income and ability of the proposed city to generate and collect local revenue and income;
- (4) feasibility and plausibility of the anticipated operating budget of the proposed city through its third full fiscal year of operation;
- (5) economic base of the proposed city;
- (6) property valuations for the proposed city;
- (7) land use for the proposed city;
- (8) existing and reasonably anticipated industrial, commercial, and resource development for the proposed city;
- (9) personal income of residents of the proposed city;
- (10) need for and availability of employable skilled and unskilled persons to serve the proposed city; and
- (11) reasonably predictable level of commitment and interest of the residents in sustaining a city.

History - Eff. 7/31/92, Register 123

Authority -

Alaska Const. art. X, sec. 12
AS 29.05.011
AS 44.47.567
AS 44.47.980

3 AAC 110.030 - POPULATION.

(a) In accordance with AS 29.05.011 the population of a proposed city must be sufficiently large and stable to support the proposed city government. In this regard, the commission will, in its discretion, consider relevant factors, including

- (1) total census enumeration;
- (2) durations of residency;
- (3) historical population patterns;
- (4) seasonal population changes; and
- (5) age distributions.

(b) To become a first class city, the territory proposed for incorporation must have a population of at least 400 permanent residents.

History - Eff. 7/31/92, Register 123

Authority -

Alaska Const. art. X, sec. 12

AS 29.05.011

AS 44.47.567

AS 44.47.980

3 AAC 110.040 - BOUNDARIES.

(a) In accordance with AS 29.05.011, the boundaries of a proposed city must include all land and water necessary to provide the full development of essential city services on an efficient, cost-effective level. In this regard, the commission will, in its discretion, consider relevant factors, including

- (1) land use and ownership patterns;
- (2) population density;
- (3) existing and reasonably anticipated transportation patterns and facilities;
- (4) natural geographical features and environmental factors; and
- (5) extraterritorial powers of cities.

(b) The boundaries of the proposed city must include only that territory comprising a present local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the effective date of incorporation of that city.

(c) The boundaries of the proposed city must not include entire geographical regions or large unpopulated areas, except when such boundaries are justified by the application of the standards in 3 AAC 110.010 - 3 AAC 110.040.

(d) If a petition for incorporation of a proposed city describes boundaries overlapping the boundaries of an existing organized borough, unified municipality, or city, the petition for incorporation must also address and comply with all standards and procedures for either annexation of the new city to the existing borough, or detachment of the overlapping region from the existing borough, unified municipality, or city. The commission will consider and treat such an incorporation petition as also being either an annexation petition to the existing borough, or a detachment petition from the existing borough, unified municipality, or city.

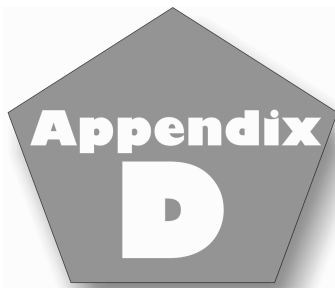
History - Eff. 7/3/92, Register 123

Authority - Alaska Const. art. X, sec. 12

AS 29.05.011

AS 44.47.567

AS 44.47.980



McQUILLIN ON MUNICIPAL CORPORATIONS (3RD ED)

§ 1.37 - Theory and purpose of local government.

Since our country was conceived in the theory of local self-government, political power has, from the beginning, been exercised by citizens of the various local communities. Having been so dedicated by long practice, local self-government has come to be regarded as the most important feature in our system. The American people have always acted upon the deep-seated conviction that local matters can be better regulated by the people of the locality than by the state or central authority. One controlling idea of local self-government is to bring the officials nearer to the people whose interests are immediately affected by official conduct, in deference to the fundamental maxim in the American system of government that the nearer the officers are to the people they represent, the more easily and readily are reached the evils that result from political corruption and the more speedy and certain the cure. Local self-government is, thus, a guaranty of individual liberty.¹ Further, local self-government better insures that the public will not lose interest in their government. When the public does lose interest in the government, they run the risk of having their government lose interest in them. Thus, local self-government is a way of insuring individual liberty through an alert citizenry. The experience of American democracy has sufficiently demonstrated that there is a direct relationship between the science of government and the art of politics.²

"In contradistinction to those governments where power is concentrated in one man, or in one or more bodies of men, whose supervision and active control extends to all the objects of government within the territorial limits of the state, the American system is one of complete decentralization, the primary and vital idea of which is, that local affairs shall be managed by local authorities, and general affairs only by the central authority . . . It is this that impels the several states, as if by common arrangement, to subdivide their territory into counties, road and school districts, and to confer powers of local legislation upon the people of each subdivision, and also to incorporate cities, boroughs, and villages whenever the circumstances and needs of a dense population seem to require other regulations than those which are needful for the rural districts."³

1 Michigan. *Attorney General v. Detroit*, 58 Mich 213, 24 NW 887. Pennsylvania. *Durach's Appeal*, 62 Pa St 491. Citizens forum on self-government, see *1983-1984 Curr Mun Problems* 1. Citizen participation planning criteria and trends, see *1977-1978 Curr Mun Problems* 77.

2 Local self-government as the keystone of American democracy, see *1959-1976 Curr Mun Problems* 286. See *Frug, The City As a Legal Concept*, 93 Harv L Rev 1059 (1980).

3 *Cooley, Const Lim* (6th Ed) 261-263.

As considered in another part of this work,⁴ most of the state constitutions contemplate that all municipal corporations, especially cities and towns, shall be self-governing. Accordingly these organic laws contain many provisions designed to prevent state assumption of local affairs or interference with just municipal freedom. But apart from these restrictions on legislative interference, from the historical examination of this subject, it becomes manifest that local self-government of the municipality does not spring from, nor exist by virtue of, written constitutions; that it is not a mere privilege, conferred by the central authority, but that the people in each municipality exercise their franchises under the protection of the fundamental principles just indicated, which were not questioned or doubted when the state constitutions were adopted, and which, in the opinion of eminent American jurists, publicists, political scientists and statesmen, no power in the state, apart from the people themselves, can legally disregard. Such conclusion is inevitable when it is considered, first, that a system of local government thoroughly understood and reasonably uniform in character existed from the earliest settlement of the colonies, and second, that the liberties of the people have always arisen from, and depended upon, that system, which system, it is fair to presume, was taken into account, and the principles thereof incorporated by implication into the state constitutions.⁵ Although in most states it is firmly held that, in the absence of special constitutional provisions, there is no inherent right of local self-government that is beyond legislative control,⁶ it is always relevant that our Constitution is one of particular powers given to the national government with the powers not so delegated reserved to the states or, in the case of limitations upon both governments, to the people.⁷

Since it is clear that our country was conceived in the theory of local self-government, it follows naturally that our nation is made up of a collection of subordinate but nearly independent self-governing communities, welded together by common interests and purposes and united into a great commonwealth. Peace and good will, law and order constitute the basis of action, and the ultimate authority of the nature and amount of governmental exertion and its direction reside in the masses of the people. American citizenship may be likened to a triangle, presenting three distinct sides. Each citizen is a citizen of the nation, a citizen of a state and a citizen of a community. Each state constitution is modeled on the organic law of the nation, and separates the functions of government into legislative, executive and judicial departments, and forbids, as does the Federal Constitution, any department from interfering with the others. The powers of each department and of every public officer are defined and limited. The purpose was to prevent the abuse of power by making power a check on power, and to keep government in the hands of the people.

4 See §1.42 and ch 4.

5 Michigan. *People v. Detroit*, 28 Mich 228. Missouri. *Kansas City v. School Dist. of Kansas City*, 356 Mo 364, 201 SW2d 930. Wyoming. See *Stewart v. Cheyenne*, 60 Wyo 497, 154 P2d 355.

6 See ch 4.

7 See *1959-1976 Curr Mun Problems* 286. See §1.45.

The popular character of local administration, all-pervading in its scope, exerts a dominating influence upon the life of United States citizens. Local self-government draws the citizen close to government, makes him feel that he is a living part of it and responsible for its actions; it stimulates public confidence, teaches the necessity for legal restraints on individual and property rights, and motivates respect for the will of the people as expressed in the law; it promotes the habit of cooperation, inspires citizens to be devoted to duty to the community, and instills confidence in the authority of the representatives and servants of the people; it leads to reasonableness in discussion and consideration of proposed community action, promotes moderation and harmony of opinion and results in sensible public regulation and administration; and finally it engenders pride in the conduct of common affairs.

If we are fortunate enough to keep this principle adjusted to and coordinated with the legitimate power of the state restricted alone to state interests, or to those matters which concern state citizens in common—we shall have made a major contribution to the philosophy of government. The functions of the state should be kept within the limits that are vitally necessary for the general good so as to leave as large a sphere as possible for local self-government, the importance of which as a means of training the citizens in their civic duties in developing efficient and vigorous urban democracy cannot be overemphasized. Local government has afforded a strong testing ground for the democratic process.⁸

Many influences other than federal, presently to be noticed, affected in some measure the degree of local self-government. For example, many of the functions of the original township unit, developed in New England and largely a reproduction of the parish of Old England, have been taken over by counties and small incorporated cities and towns. The duties and functions of local self-government as hitherto understood in theory, and put into practice, and which were regarded as the precious exclusive prerogatives of the community, are now managed by the state, and many functions, mainly of police, formerly under the unmolested control of the state, have been assumed by the national government. Although the focus has changed, however, the principle of self-government is preserved. State government is beginning to be considered a vital part of the American system of local self-government.

8 See *1959-1976 Curr. Mun. Problems* 286.